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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**

Washington, D.C. 20555

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In the Matter of	)	
	)	MM Docket 95-78
Amendment of Section 73.202(b)	)	RM-8619
Table of Allotments	)	RM-8678
FM Broadcast Stations	)	
(Stonewall, Mississippi,	)	
and Lisman, Alabama)	)	

To: Chief, Allocations Branch  
Policy and Rules Division  
Mass Media Bureau

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SEP 19 1995  
FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF SECRETARY

**STATEMENT FOR THE RECORD**

1. Stonewall Broadcasters, by its counsel, hereby submits this statement in response to the "Informal Response to Notice of Appearance of Mary C. Glass" by Herman Kelly, Executive Vice President, Allen Broadcasting Company, Inc. ("Allen").<sup>1/</sup> Allen is the proponent of a counterproposal to substitute Channel 295C3 for Channel 295A at Lucedale, Mississippi.

2. On August 15, 1995, undersigned counsel filed a "Notice of Appearance" on behalf of Stonewall Broadcasters which stated that the Lucedale counterproposal apparently was not acceptable because it did not contain a channel study.

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<sup>1/</sup> Allen incorrectly identifies the petitioner as Mary C. Glass. Ms. Glass is one of the principals of Stonewall Broadcasters, the petitioner.

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3. Allen claims that, in order to have made that statement undersigned counsel must have knowledge that is unavailable to Allen and to the public. Without any basis for its claim, Allen accuses undersigned counsel of having obtained the information from an ex-parte contact with the Commission's staff and of having influenced the staff into refusing to accept the Lucedale counterproposal. Allen asks undersigned counsel (and the Commission) to disclose "the nature, extent and range of conversations, meetings, letters or other contacts which have been exchanged regarding this matter."

4. I hereby state, unequivocally, that I have not had any contact with any Commission staff member regarding any aspect of this proceeding and, in particular, whether to accept the Lucedale counterproposal. The statement made on behalf of Stonewall Broadcasters as to why the Lucedale counterproposal had not been accepted was based on my experience in allotment rule making proceedings. I have no actual knowledge of what reason the Commission staff has for not accepting the counterproposal.

5. I will not dignify the accusations of Allen with any further response except to state that I submitted the "Notice of Appearance" on August 15, 1995, immediately upon being hired to represent the petitioner in this proceeding. The Commission's Public Notice which announced the acceptance of the Lisman, Alabama, counterproposal but which did not list the Lucedale

counterproposal, was issued six days earlier on August 9, 1995. Since the Commission had already decided prior to my involvement in this proceeding that the Lucedale counterproposal was not acceptable, my statement in the "Notice of Appearance" on August 15, 1995, could not have had any effect on the Commission's staff.

Respectfully submitted,

**STONEWALL BROADCASTERS**

By: Mark N. Lipp  
Mark N. Lipp

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and Topel, P.C.  
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Its Counsel

September 19, 1995

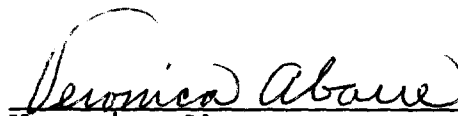
**CERTIFICATE OF SERVICE**

I, Veronica Abarre, a secretary in the law firm of Mullin, Rhyne, Emmons and Topel, P.C., do hereby certify that a copy of the foregoing "STATEMENT FOR THE RECORD" was mailed by first class U.S. Mail, postage prepaid, on this 19th day of September, 1995, to the following:

- \* Mr. John A. Karousos  
Chief, Allocations Branch  
Mass Media Bureau  
Federal Communications Commission  
2000 M Street, N.W.--5th Floor  
Washington, D.C. 20554
  
- \* Ms. Pamela Blumenthal  
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Herman Kelly, Executive Vice President  
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Veronica Abarre

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\* HAND DELIVERED